

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.23362 of 2005

M.Jagannathan
Rep. by Power of Attorney
N.Kumar

..Petitioner

Vs.

1. The Inspector General of Registration,
Chennai 600 028.
2. The Joint Sub-Registrar II,
Cuddalore.

..Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for the records of the first respondent herein in letter No.55580/C1/2004, dated 02.03.2005 and quash the same insofar as it relates to Standing Order 238-B relating to the restraint on the registering officers in accepting and registering documents in respect of properties where they have been impleaded as defendant/respondent and quash the same so far as the petitioner is concerned.

For Petitioner : Mr.A.R.L.Sundaresan, Senior Counsel
for M/s.AL.Ganthimathi

For Respondents : Mr.P.P.Purushothaman,
Government Advocate

ORDER

Heard Mr.A.R.L.Sundaresan, learned Senior Counsel, appearing for M/s.AL.Ganthimathi, learned counsel for the petitioner and Mr.P.P.Purushothaman, learned Government Advocate appearing for the respondents and perused the materials available on record.

2. The prayer in the Writ Petition is to quash the Standing Order issued by the first respondent in letter No.55580/C1/2004, dated 02.03.2005 relating to the restraint on the registering officers in accepting and registering documents in respect of the properties where they have been impleaded as parties.

3. It seems that the Writ Petitioner M.Jagannathan was the owner of the property measuring 2.21 acre of land in T.S.Nos.17/33/1B and 17/37/2 in Block No.45, Ward No.3 of

Karaiyeravitta Kuppan Village in Cuddalore Taluk. The said property was originally allotted in favour of the petitioner's father by virtue of the partition deed dated 30.08.1973. Thereafter, the petitioner's father settled the said property in favour of the petitioner by a Registered Settlement Deed dated 30.07.2004.

4. The petitioner would state that in order to develop the said property as housing plots, he prepared a lay out and applied to the Cuddalore Municipality for approval and also paid necessary charges. While so, one M.Ramu Chettiar, brother of the petitioner, filed a suit in O.S.No.142 of 2004 before the District Munsif Court, Cuddalore for recovery of money. During to the pendency of the suit, the documents were not registered in view of the standing order impugned in this Writ Petition.

5. The learned Government Advocate would submit that the power agent of the petitioner, viz., N.Kumar, executed a gift deed in favour of the Cuddalore Municipality with regard to road and park areas and thereafter, the remaining property was sold.

6. Since the documents presented by the petitioner were already registered, nothing survives for consideration in this Writ Petition. In fine, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector General of Registration,
Chennai 600 028.
2. The Joint Sub-Registrar II,
Cuddalore.

+1 cc to M/s.AL.Gandhimathi, Advocate Sr.No. 62447
+1 cc to The Special Government Pleader Sr.No.62358

AKM/13.09.19/2P-5C /

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